

Chapter 34

Charitable Donation of Food

4-34-1 Definitions.

For purposes of this chapter:

- (1) "Agricultural product" means any fowl, animal, fish, vegetable, or other product or article, fresh or processed, which is customary food, or which is proper food for human consumption.
- (2) "Nonprofit charitable organization" means any organization which was organized and is operating for charitable purposes and which meets the requirements of the Internal Revenue Service of the U.S. Department of Treasury that exempt the organization from income taxation under the provisions of the Internal Revenue Code.
- (3) "Gleaner" means a person who harvests, for free distribution, an agricultural crop that has been donated by the owner.

Enacted by Chapter 70, 1981 General Session

4-34-2 Donation to charitable organization authorized.

Any person engaged in the business of producing, processing, selling, or distributing any agricultural product may donate, free of charge, any such product which is in a fit condition for use as food for human consumption to a nonprofit charitable organization within the state of Utah.

Enacted by Chapter 70, 1981 General Session

4-34-3 County surplus food collection and distribution system.

To accomplish the purposes of Section 4-34-2, any county may establish and publicize the availability of a surplus food collection and distribution system and may provide information to donee organizations concerning the availability of agricultural products and to donors concerning organizations that desire or need donated agricultural products. Any nonprofit charitable organization needing agricultural products on a regular basis may be listed with the county for the purpose of receiving notice that the products are available.

Enacted by Chapter 70, 1981 General Session

4-34-4 Inspection of donated food.

The county may provide for the inspection of donated agricultural products by the county health officer upon the request of the donee nonprofit charitable organization to determine whether the products are fit for human consumption.

Enacted by Chapter 70, 1981 General Session

4-34-5 Limitation of liability of donor, charitable organization and county.

Except in the event of an injury resulting from gross negligence, recklessness, or intentional conduct, neither a county nor an agency of a county nor a donor of an agricultural product participating in good faith in a food donation program, nor a nonprofit charitable organization receiving, accepting, gleaning, or distributing any agricultural product donated in good faith to it under this chapter shall be liable for damages in any civil action or subject to prosecution in any

criminal proceeding for any injury that occurs as a result of any act or the omission of any act, including injury resulting from ingesting the donated agricultural product.

Enacted by Chapter 70, 1981 General Session

4-34-6 Sale or use of donations by employee of public agency or charity prohibited.

An employee of a nonprofit charitable organization or of a public agency may not sell, offer for sale, use, or consume any agricultural product donated or distributed under this chapter.

Amended by Chapter 157, 1990 General Session